

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

MS-10-519-JSM

CESAR ORTIZ-CASTILLO, a/k/a Misael Ortiz-Castillo

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 23, 2010, in Ramsey County, in the State and District of Minnesota, defendant(s)

CESAR ORTIZ-CASTILLO, a/k/a Misael Ortiz-Castillo, an alien, who had previously been removed from the United States on or about April 22, 2009, and March 1, 2010, subsequent to a conviction for an aggravated felony, namely Terroristic Threats, did knowingly and unlawfully re-enter and was found in the United States without having obtained the consent of the Attorney General or the Secretary of Homeland Security, to re-apply for admission to the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
Bradley M. Kuhns
Immigration and Customs Enforcement

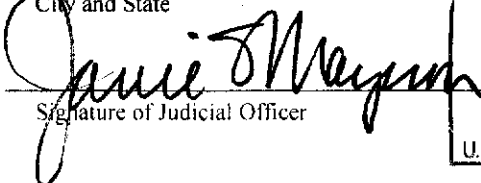
Sworn to before me, and subscribed in my presence,

12/2/10
Date
The Honorable Janie S. Mayeron
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

at

St. Paul, MN

City and State



Signature of Judicial Officer

SCANNED

DEC 02 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA
COUNTY OF ~~HENNEPIN~~ ^{RAMSEY}

ss. 

AFFIDAVIT OF BRADLEY M. KUHNS

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since April 2007, when I began my career as an Immigration Enforcement Agent. On August 2, 2009, I became a Deportation Officer.

2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. I am also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.

3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation. This affidavit is also based on my discussions with other law enforcement officers and agents directly involved in this investigation.

4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for CESAR ORTIZ-CASTILLO, a/k/a Misael Ortiz-Castillo, charging him with being an alien who had previously been removed from the United States subsequent to a conviction for an aggravated felony and who subsequently re-entered and was found in the United States without having obtained the consent of the Secretary of Homeland Security, to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2). Accordingly, this affidavit contains only a summary of relevant facts.

5. ICE maintains an alien file on ORTIZ-CASTILLO, which is file A097 652 273 (hereinafter "A file"). I have reviewed that file and determined ORTIZ-CASTILLO is a citizen

and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.

6. ORTIZ-CASTILLO'S A file shows that he pled guilty to and was convicted of the crime of Terroristic Threats in Hennepin County, Minnesota. ORTIZ-CASTILLO was sentenced on April 14, 2009 to 15 months imprisonment. However, the court stayed execution of that sentence and placed ORTIZ-CASTILLO on probation for a period of 3 years with numerous probationary conditions.

7. ORTIZ-CASTILLO'S A file shows that on April 22, 2009, subsequent to his conviction for Terroristic Threats in Hennepin County, Minnesota, ORTIZ-CASTILLO was removed from the United States to Mexico, at Laredo, Texas. This removal was premised on reinstatement of a prior Order of Removal dated August 11, 2004.

8. ORTIZ-CASTILLO'S A file further shows that on March 1, 2010, was removed from the United States to Mexico, at Nogales, Arizona. This removal was premised on reinstatement of a prior Order of Removal dated August 11, 2004. Further, at the time of removal, ORTIZ-CASTILLO acknowledged in Form I-294 (Warning to Alien Ordered Removed or Deported) that he was prohibited from entering the United States at any time because he had been convicted of an aggravated felony within the United States.

9. On July 23, 2010, ORTIZ-CASTILLO was encountered and interviewed by an Immigration Agent in the Ramsey County Jail in St. Paul, Minnesota, where he was jailed for an arrest related to a probation violation. ORTIZ-CASTILLO admitted that he was in the United States illegally after entering the country on or about March 15, 2010, near Nogales, Arizona. ORTIZ-CASTILLO further admitted that he was not inspected, admitted, or paroled by an

Immigration Officer at a designated Point of Entry. ORTIZ-CASTILLO reported that he paid a smuggler \$3,500 for entry into the United States.

10. Law enforcement has confirmed through fingerprints and photographs contained in ORTIZ-CASTILLO's criminal history and immigration file that the individual named CESAR ORTIZ-CASTILLO referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on July 23, 2010, in the Ramsey County Jail.

11. Review of ORTIZ-CASTILLO's A file reveals that subsequent to his removal from the United States on April 22, 2009, ORTIZ-CASTILLO has not applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security.


12. Based on these facts, I believe that Cesar ORTIZ-CASTILLO has violated Title 8, United States Code, Sections 1326(a) and 1326 (b)(2).

Further Your Affiant Sayeth Not.


Bradley M. Kuhns, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 2d day of December, 2010.


The Honorable JANIE S. MAYERON
United States Magistrate Judge